

**32B-1-505 Sexually oriented entertainer.**

- (1) Subject to the requirements of this part, live entertainment is permitted on premises or at an event regulated by the commission.
- (2) Notwithstanding Subsection (1), a retail licensee or permittee may not permit a person to:
  - (a) appear or perform in a state of nudity;
  - (b) perform or simulate an act of:
    - (i) sexual intercourse;
    - (ii) masturbation;
    - (iii) sodomy;
    - (iv) bestiality;
    - (v) oral copulation;
    - (vi) flagellation; or
    - (vii) a sexual act that is prohibited by Utah law; or
  - (c) touch, caress, or fondle the breast, buttocks, anus, or genitals.
- (3) A sexually oriented entertainer may perform in a state of seminudity:
  - (a) only in:
    - (i) a tavern; or
    - (ii) a social club license premises; and
  - (b) only if:
    - (i) the windows, doors, and other apertures to the premises are darkened or otherwise constructed to prevent anyone outside the premises from seeing the performance; and
    - (ii) the outside entrance doors of the premises remain unlocked.
- (4) A sexually oriented entertainer may perform only upon a stage or in a designated performance area that is:
  - (a) approved by the commission in accordance with rules made by the commission;
  - (b) configured so as to preclude a patron from:
    - (i) touching the sexually oriented entertainer; or
    - (ii) placing any money or object on or within the performance attire or the person of the sexually oriented entertainer; and
  - (c) configured so as to preclude the sexually oriented entertainer from touching a patron.
- (5) A sexually oriented entertainer may not touch a patron:
  - (a) during the sexually oriented entertainer's performance; or
  - (b) while the sexually oriented entertainer is dressed in performance attire.
- (6) A sexually oriented entertainer, while in the portion of the premises used by patrons, shall be dressed in opaque clothing which covers and conceals the sexually oriented entertainer's performance attire from the top of the breast to the knee.
- (7) A patron may not be on the stage or in the performance area while a sexually oriented entertainer is appearing or performing on the stage or in the performance area.
- (8) A patron may not:
  - (a) touch a sexually oriented entertainer:
    - (i) during the sexually oriented entertainer's performance; or
    - (ii) while the sexually oriented entertainer is dressed in performance attire; or
  - (b) place money or any other object on or within the performance attire or the person of the sexually oriented entertainer.
- (9) A minor may not be on premises described in Subsection (3).
- (10) A person who appears or performs for the entertainment of patrons on premises or at an event regulated by the commission that is not a tavern or social club licensee:
  - (a) may not appear or perform in a state of nudity or a state of seminudity; and

- (b) may appear or perform in opaque clothing that completely covers the person's genitals, pubic area, and anus if the covering:
  - (i) is not less than the following at its widest point:
    - (A) four inches coverage width in the front of the human body; and
    - (B) five inches coverage width in the back of the human body;
  - (ii) does not taper to less than one inch wide at the narrowest point; and
  - (iii) if covering a female, completely covers the breast below the top of the areola.

Amended by Chapter 297, 2011 General Session